

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CARL P. JACOBS**

\*

**and**

**JANET L. JACOBS, His Wife**

\*

**2 Tanner Court**

**Pikesville, MD 21208**

\*

**Plaintiffs**

\*

**v.**

\*

**ERIKA M. SASEK**

\*

**Civil Case No.:**

**3516 Idlewood Drive**

\*

**Erie, PA 16510**

**and**

\*

**KIRK SASEK**

\*

**3516 Idlewood Drive**

\*

**Erie, PA 16510**

**Defendants**

\*

\* \* \* \* \*

**COMPLAINT**

Carl P. Jacobs and Janet L. Jacobs, his wife, Plaintiffs, by Alan H. Silverberg and Summerfield, Willen, Silverberg & Limsky, P.A., their attorneys, files this Complaint against Erika M. Sasek, Defendant, and respectfully states:

**Jurisdiction, Venue, and Parties**

1. Jurisdiction of this Court is founded upon diversity of citizenship as dictated in 28 U.S.C. §1332, which confers exclusive jurisdiction of the United States District Court for causes of action between citizens of different States for claimed amounts in excess of Seventy-Five Thousand Dollars (\$75,000.00).

2. Venue is appropriate in the District of Delaware because the incident giving rise to this cause of action occurred within the territorial jurisdiction of this Court, specifically, in Oceanview, Delaware.

3. Plaintiffs are private individuals residing in Pikesville, Maryland.

4. Defendant Erika M. Sasek is a private individual residing in Erie, Pennsylvania.

**Factual History**

5. On or about August 21, 2004, Plaintiff Carl Jacobs (hereinafter “Mr. Jacobs”) was driving his automobile in a safe and lawful manner traveling westbound on Atlantic Avenue at its intersection with West Avenue, both public thoroughfares in Oceanview, Delaware.

6. That Defendant Erika M. Sasek (hereinafter “Ms. Sasek”) was operating an automobile owned by Defendant Kirk Sasek (hereinafter “Mr. Sasek”) in a northbound direction on West Avenue at its intersection with Atlantic Avenue.

7. That at the time of the incident complained of herein, Ms. Sasek was the agent, servant and/or employee of Mr. Sasek, was the permissive user of his automobile, and at all times relevant herein, was acting within the scope of her authority as operator of his automobile.

8. Said automobile operated by Ms. Sasek was so carelessly, recklessly and negligently driven that she failed to stop at a designated stop sign and on West Avenue and violently struck the vehicle operated by Mr. Jacobs on the front passenger side door, causing the Plaintiff’s vehicle to slide out of control and strike an “Adopt A Highway” sign where it then came to rest.

9. The negligence of Ms. Sasek, in addition to that alleged above, consisted of: (a) operating said automobile at an excessive and unreasonable rate of speed for circumstances then and there existing; (b) failing to have said vehicle under proper and sufficient control; (c) failing to keep a proper lookout; and (d) failure to obey a designated stop sign.

10. The said accident and resulting injuries and damages sustained by Plaintiffs were caused solely and proximately by reason of the negligence of Ms. Sasek, without any contributory, intervening or participating negligence on the part either Plaintiff.

**Count I – Carl Jacobs**

11. Plaintiffs hereby incorporate by reference Paragraphs 1 through 10 as if fully set forth in writing herein.

12. Directly as a result of the negligence of Ms. Sasek as noted above, Mr. Jacobs was thrown about his vehicle and was caused to sustain severe, permanent and painful injuries to his head, neck, body and limbs, requiring emergency out-patient treatment, and requiring ongoing care and treatment by his doctor and physical therapist. These injuries included, but were not limited to, a left ulnar nerve entrapment, requiring surgical intervention.

13. He has suffered extreme fright, anxiety and emotional stress, all of which are permanent in nature and have required him to seek ongoing care and treatment.

14. He has lost time from his gainful source of employment and was compelled to expend large sums of money for medical care and for medicines.

15. All of these losses, past, present and prospective, are the result of the negligence of Ms. Sasek.

**WHEREFORE**, Plaintiff Carl P. Jacobs hereby demands judgment against Defendant in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00), plus interest and costs.

**Count II – Janet Jacobs**

16. Plaintiffs hereby incorporate by reference Paragraphs 1 through 15 as if fully set forth in writing herein.

17. Directly as a result of the negligence of Defendant as noted above, Ms. Jacobs was thrown about the vehicle and was caused to sustain severe, permanent and painful injuries to her head, neck, body and limbs, requiring emergency in-patient treatment, and requiring ongoing care and treatment by her doctor and physical therapist. These injuries included, but were not limited to, a superior pubic ramus fracture and rupture of the right hemi-diaphragm, requiring surgical intervention.

18. That she has suffered extreme fright, anxiety and emotional stress, all of which are permanent in nature and have required him to seek ongoing care and treatment.

19. That she has lost time from her gainful source of employment and was compelled to expend large sums of money for medical care and for medicines.

20. That all of these losses, past, present and prospective, are the result of the negligence of Defendant Ms. Sasek.

**WHEREFORE**, Plaintiff Janet Jacobs hereby demands judgment against Defendant in the amount of Five Hundred Thousand Dollars (\$500,000.00), plus interest and costs.

**Count III – Carl & Janet Jacobs**

21. Plaintiffs hereby incorporate by reference Paragraphs 1 through 20 as if fully set forth in writing herein.

22. Plaintiffs were married and living together as husband and wife on the date of the injuries and continue to live together as husband and wife on the date of the filing of this Complaint.

23. As a result of said injuries, the Plaintiffs have been and will be in the future deprived of their normal marital relationship, loss of society, affection, assistance, and conjugal fellowship, including the loss and impairment of their normal sexual relationship.

24. The resultant losses have and will be caused by the negligence of the Defendant and without any negligence on the part of the Plaintiffs contributing thereto.

**WHEREFORE**, Plaintiffs Carl and Janet Jacobs hereby demand judgment against Defendant in the amount of One Hundred Thousand Dollars (\$100,000.00), plus interest and costs.

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Alan H. Silverberg  
***Summerfield, Willen, Silverberg & Limsky, P.A.***  
10019 Reisterstown Road, Suite 301  
Owings Mills, MD 21117  
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Attorneys for Plaintiffs

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Carl Jacobs

Janet Jacobs

(b) County of Residence of First Listed Plaintiff Baltimore, MD  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Alan H. Silverberg, 10019 Reisterstown Rd, #301

Owings Mills, MD 21117 (410) 363-4444

**DEFENDANTS**

Erika Sasek

Kirk Sasek

County of Residence of First Listed Defendant Erie, PA

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION**

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                                       |   |                                |                                |
|---|---------------------------------------|---------------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1        | DEF <input type="checkbox"/> 1        | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. NATURE OF SUIT**

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332

Brief description of cause:

Motor Tort

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$  
\$750,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

August 3, 2006

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_